

1 A. Yes.

2 Q. When was that request made?

3 A. Can I clarify?

4 Q. Sure.

5 A. We were asked to gather information on  
6 response costs and the agency has put together a list  
7 of monies that they have spent over a period of time  
8 in the Illinois River's Watershed.

9 They turned that document in this week, and  
10 when they turned that list in, then they requested  
11 that the documents for that list be pulled. So we got  
12 that request this week.

13 Q. Okay. When was the request made to gather  
14 the information for this expense?

15 A. It has been going on for a while. I know  
16 that they did a preliminary list, and that would have  
17 been early part of 2008.

18 Q. What were you requested to gather in early  
19 2008?

20 A. It is my understanding that they had  
21 requested, the Attorney Generals, when I'm talking  
22 about they, Attorney General's office had requested  
23 that agencies prepare a list of monies that they have  
24 spent in the Illinois River's Watershed to the AG's  
25 office.



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1           A.    I don't understand the question.

2           Q.    Well, let's take, for example, Blue Thumb.

3           It is my understanding that Blue Thumb is an  
4           educational program, primarily; is that correct?

5           A.    I have very little knowledge about Blue  
6           Thumb, because it is not an area that I have actually  
7           dealt with anything on under OCC as their general  
8           counsel.

9                     But in a basic sense, I understand it to be  
10           an educational, environmental education, conservation  
11           educational program.

12          Q.    Is that Blue Thumb program a response cost?

13          A.    I don't remember if it is on or not.

14          Q.    Who would know what programming is being  
15           included in the response costs? Is that Mr. Leach and  
16           Ms. Phillips again?

17          A.    The list was put together by Jim Leach and  
18           Shannon Phillips, and then the Attorney General's  
19           office.

20          Q.    Do you know what was done at ODAFF with  
21           regard to response costs?

22          A.    No.

23          Q.    While you were still at ODAFF, was there an  
24           initial list put together at ODAFF for response costs?

25          A.    I don't remember doing one.



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1 Q. Do you know who at ODAFF is working on  
2 ODAFF's response cost numbers?

3 A. No. I remember one other thing on the  
4 response cost, I think it is Stamper.

5 Q. Was the Stamper project, the fertilizer or  
6 energy project, that's a response cost?

7 A. Yes. I believe they have listed it.

8 Q. Is that on the current list?

9 A. I don't know.

10 Q. Are the B & P programs that OCC administers,  
11 are those being included in the response costs?

12 A. What do you mean by B&Ps program, are you  
13 talking about poultry litter, like the B&Ps that it  
14 contracted out with the company or are you talking  
15 about best management --

16 Q. No, I'm talking about the best management  
17 practices. Are there programs outside CREP that would  
18 include best management practices that would be  
19 included in the response costs?

20 A. I would say any program where they spent  
21 money for B&Ps would be looked at, at least on the  
22 original list. I don't know if they are still -- what  
23 is still on there. Because some of those programs  
24 require cost share by the landowners. The landowners  
25 also contributed.



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1       been done that is along those lines, I mean is that  
2       something like Beatty Creek?

3           A.     Yes.

4           Q.     That type of project?

5           A.     Yes.

6           Q.     So the Peacheater Project?

7           A.     Peacheater Project, what they are doing in  
8       Eucha Spavinaw, yes, the Beatty Creek.

9           MR. HIXON: We have been going about an  
10       hour. Let's take a break.

11               (Short break)

12          Q.     (BY MR. HIXON) We are back on the record.  
13       Sitting here today, do you feel that you're qualified  
14       to testify on these response cost issues at trial?

15          A.     Presently, I would say that if I was going  
16       to testify at trial, I would have to read up on what  
17       the final list is and know more about the topic than I  
18       do currently.

19          Q.     Okay. So is it fair to say that your  
20       testimony at trial would be different than what you  
21       have given us here today on response costs?

22          A.     Yes.

23          Q.     At least with regard to being more informed?

24          A.     Yes.

25          Q.     Let's move on. You were also identified on



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1 purpose of the program was when I was reviewing it. I  
2 was looking at it specifically in regards to the  
3 procedural process of what they were doing in regards  
4 to those unit costs.

5 So I really didn't spend a lot of time on  
6 the purpose of the program itself and what it was  
7 doing. I was looking more at the money part and how  
8 that was being handled.

9 MR. HIXON: I will pass the witness. Thank  
10 you.

11 THE WITNESS: Thank you.

12 MS. HILL: Just a moment.

13 CROSS EXAMINATION

14 BY MS. HILL:

15 Q. Ms. Stewart, my name is Theresa Hill. I  
16 represent the Cargill defendants in this matter, and I  
17 have a few follow-up questions. I apologize, I may  
18 jump around a little bit on what Philip said. I just  
19 want to try to clear up a few things.

20 On your prior testimony about your response  
21 costs, we discussed a recent list that you have been  
22 working on at the Oklahoma Conservation Commission of  
23 potential response costs. Did you bring that list  
24 with you today?

25 A. No.



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1 Q. Okay. And you're not prepared to produce  
2 that list to us today then?

3 A. No.

4 Q. Okay. What preparations for your deposition  
5 did you do to testify about response costs today?

6 A. I haven't done any preparation in regards to  
7 testifying directly. Only thing that I prepared for  
8 really was the depositions that I was sitting in with  
9 some of the other people this week. So I haven't  
10 really glanced or looked at anything.

11 Q. So to be clear, you have not done any  
12 preparation to testify about response costs in  
13 preparation for this deposition today?

14 A. No.

15 Q. Another potential witness identified on the  
16 state's final fact witness list to address some  
17 response costs from Oklahoma Conservation Commission  
18 is Philip Marshall, is that how you say his last name?

19 A. I don't know him.

20 Q. You don't know Philip. And during your  
21 tenure either at Conservation Commission or at the  
22 Department of Ag, have you ever reviewed any discovery  
23 served by any defendants addressing the issue of  
24 response costs?

25 A. I don't remember seeing anything, but I know



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